

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I am vetoing and filing with the Secretary of State H. C. R. No. 135, passed at the recently adjourned Regular Session of the Forty-Eighth Legislature.

This Resolution grants permission to the survivors of C. M. Tomanec to bring suit against the State and/or the State Highway Department for injuries sustained as a result of an autopsy held at the direction of the Highway Department upon the body of the said C. M. Tomanec. The Resolution is of no value to the survivors of Mr. Tomanec. No recovery could ever be had by virtue of the Resolution, and time and court costs would be wasted by the plaintiffs. It would also result in waste of time for the State and unnecessary expense.

The law is unusually well settled in Texas that the State of Texas is not liable in damages for the torts or negligence of its servants, agents, employees and representatives. The following cases are directly in point:

Brooks Vs. State, 68 S. W. (2d) 534;
Buchanan Vs. State, 89 S. W. (2d) 239;
Gotcher Vs. State, 106 S. W. (2d) 1104;
Martin Vs. State, 88 S. W. (2d) 131;
Matkins, et al. Vs. State, et al., 123 S. W. (2d) 953;
Nichols Vs. State, 32 S. W. 452;
State Vs. Brannan et ux, 111 S. W. (2d) 347 (writ refused)
State Vs. Flowers, 94 S. W. (2d) 423 (Com. App., Sec. A);
State Vs. McKinney, (Tex. Civ. App.) 76 S. W. (2d) 556;
State Vs. Ragland Clinic-Hospital, 150 S. W. (2d) 523,
Supreme Court of Texas;
Texas Prison Board Vs. Cabeen, 159 S. W. (2d) 523, Beaumont
Ct. Civ. App., writ of error refused;
Welch Vs. State, 148 S. W. (2d) 876 (writ refused);
State Vs. Morgan (not yet reported), Tex. Com. App.

I have read the Morgan case carefully. The opinion was adopted by the Supreme Court March 31, 1943. In my opinion it conclusively settles the issue against the plaintiffs in any suit which could be brought under the terms of H. C. R. No. 135.

H. C. R. No. 135 reached my office less than ten days before the end of the Regular Session of the Forty-Eighth Legislature. In accordance with the Constitution, it is being filed with the Secretary of State together with this proclamation containing my objections to the Resolution.



IN TESTIMONY WHEREOF I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 28th day of May, A. D., 1943.

George R. Brown
GOVERNOR OF TEXAS

BY THE GOVERNOR:

Samuel Latham
SECRETARY OF STATE

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

THIS 31st DAY OF May 1943

AT 9 O'CLOCK AND 30 MINUTES A.M.

Samuel Latham
Secretary of State